

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2013-00025, to modify conditions of ZBA FY2005-00026 to allow the alteration and expansion of the existing auto sales and repair business by reconfiguring the existing lot lines and parking area; the construction of a new, approximately 4,600 square foot building; and to allow the building 11 feet from the side yard rather than the required 25 feet, under Section 10.33, Table 3 footnote a, 3.385 and 3.386 of the Zoning Bylaw, at 398 Northampton Road (Map 13D, Parcel 4 and 48, B-L Zoning District) with the following conditions:

1. The conditions of this permit shall supersede the conditions of ZBA FY2005-00026 and shall regulate the overall use of the property.

Prior to the issuance of a building permit

2. Fire Department access easements for both the subject property and the adjacent parcel (406 Northampton Road, Map 13D, Parcel 47) shall be filed with the Registry of Deeds with copies provided to Inspection Services and the Planning Department.
3. All improvements for Fire Department access on the adjacent parcel (406 Northampton Road, Map 13D, Parcel 47) shall be completed as shown on the approved Layout Plan and Parking Plan (Sheet L2), last revised on June 28, 2013 and stamped approved by the Zoning Board of Appeals on July 11, 2013, and approved by Inspection Services subsequent to July 11. A conditional permit limited to site, utilities and foundation work may be granted at the discretion of the Building Commissioner.
4. The lot line configuration shown on the approved Layout and Parking Plan shall have obtained Approval Not Required (ANR) approval from the Amherst Planning Board and have been filed with the Registry of Deeds with a copy provided to Inspection Services and the Planning Department.
5. An easement associated with the portion of the access driveway situated on the adjacent parcel (406 Northampton Road, Map 13D, Parcel 47) shall be filed with the Registry of Deeds with a copy provided to Inspection Services and the Planning Department.

Prior to the issuance of a Certificate of Occupancy

6. All site improvements shall be installed substantially in accordance with the following plans, prepared by The Berkshire Design Group dated April 25, 2013 and last revised June 28, 2013:
 - a. Layout Plan and Parking Plan (Sheet L2). Said improvements include, but are not limited to, the new building, new pea stone parking area, paved fire access lanes, landscaping plan, sidewalk, screen fence, signs, display vehicle area, and customer parking areas.
 - b. Material Plan (Sheet L2a). Said plan includes areas to be pea stone, bituminous black top, granite pavers, and loam and seed.
 - c. Grading and Drainage Plan (Sheet L3).

- d. Details (Sheet L4). Said plan includes specifications for pea stone areas, bituminous black top, granite pavers, and parking signs.
- e. Lighting Plan (Sheet L5). Said plan includes light fixture locations, specifications and photometrics.

Building elevation and floor plans

- 7. The new building shall be built substantially in accordance with the plans (Sheets PD1 and PD2) prepared by Morton Buildings, Inc., dated January 25, 2013, and last revised on June 28, 2013.
- 8. The use of the new building shall be for the display of vehicles for sale. Activities, such as detailing, repairs, or similar activities are prohibited. Paper work and similar elements of vehicle sale transactions shall occur within the office in the existing building.
- 9. The use of the existing building shall be for vehicle repairs and for repairs- and sales-related activities. The existing building shall be substantially in accordance with the plans originally approved on June 28, 2005, except for signs.

Parking

- 10. There shall be no more than 27 vehicles kept on the exterior of the property on a regular basis. Specifically, the parking and vehicle display shall be substantially in accordance with the approved site plan, described as follows:
 - a. Nine (9) spaces for the display of vehicles adjacent to Northampton Road.
 - b. Five (5) parking spaces for customers, marked with concrete pavers and signs, in front of the existing building.
 - c. Three (3) customer parking spaces, including one handicapped, van accessible space, marked with concrete pavers and signs, situated on the east property line.
 - d. Eight (8) parking spaces in front of the new building, of which five (5) spaces will be for customers and three (3) spaces will be for employees, the latter spaces to be so marked.
 - e. Two (2) spaces adjacent to the west side of the existing building for the parking of a customer shuttle van and an enclosed trailer.
- 11. There shall be no abandoned vehicles or "parts-cars" stored on-site, whether located in one of the above-noted spaces or otherwise

Use/Management

- 12. The hours of operation shall be 7:00 a.m. to 9:00 p.m. Monday through Saturday.
- 13. The use shall be managed in accordance with the Management Plan approved by the Zoning Board of Appeals on July 11, 2013, including but not limited to, trash removal, landscape maintenance, snow removal, and storage of waste motor oils behind the existing building.
- 14. The screening fence located on the west property line shall not exceed six feet in height and shall be of a design substantially in accordance with the photograph approved by the Zoning Board of Appeals on July 11, 2013.


15. The chain link fence located on the east property line abutting Hawkins Meadows apartments shall remain and be maintained in good repair, including by replacement if necessary.

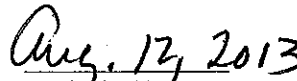
Signs

16. Signs shall be substantially in accordance with the sign plan photograph and dimensions approved by the Zoning Board of Appeals on July 11, 2013. Substantial changes to the approved signs shall be reviewed by the Zoning Board of Appeals at a public meeting.

Changes

17. Any substantial changes to the project and/or substantial changes to any approved plans shall be presented to the Zoning Board of Appeals at a public meeting. The purpose of the public meeting is for the Board to determine whether the changes are de minimus, or significant enough to require modification of the Special Permit.


Hilda Greenbaum, Acting Chair
Amherst Zoning Board of Appeals


DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Luke Zbylut d/b/a Zbylut Motor Works
398 Northampton Road, Amherst, MA 01002

Date application filed with the Town Clerk: May 23, 2013

Nature of request: For a Special Permit to modify conditions of ZBA FY2005-00026 to allow the alteration and expansion of the existing auto sales and repair business by reconfiguring the existing lot lines and parking area and the construction of a new approximately 4,600 square foot building and for a Special Permit to allow the building 12 feet from the side yard rather than the required 25 feet, under Section 10.33, Table 3 footnote a, 3.385 and 3.386 of the Zoning Bylaw

Address: 398 Northampton Road (Map 13D, Parcel 4 and 48, B-L Zoning District)

Legal notice: Published on April 29, 2013 and June 5, 2013 in the Daily Hampshire Gazette and sent to abutters on May 28, 2013

Board members: Hilda Greenbaum, Tom Ehrgood, Mark Parent

Staff members: Jeff Bagg, Senior Planner, Robert Morra, Building Commissioner

Original Submission:

- Project Application Report, dated June 7, 2013
- ZBA application form, received April 25, 2013
- Project Summary
- Management Plan
- Existing Conditions and Demolition Plan, prepared by Berkshire Design Group, dated April 25, 2013
- Layout Plan, prepared by Berkshire Design Group, dated April 25, 2013
- Grading and Drainage Plan, prepared by Berkshire Design Group, dated April 25, 2013
- Details, prepared by Berkshire Design Group, dated April 25, 2013
- Lighting Plan, prepared by Berkshire Design Group, dated April 25, 2013
- ZBA FY2005-00026, submitted by Town staff
- Parking photographs, dated May 23, 2013, submitted by Town staff

Site Visit: June 12, 2013

Hilda Greenbaum, Tom Ehrgood, and Mark Parent met the applicant, Luke Zbylut, and his consultant, Mike Liu of Berkshire Design Group on-site. The Board members the location of the property on the south side of Route 9, and the following:

- The existing business operation consisting of auto repair and sales. The site, containing many vehicles parked haphazardly, in front and at the sides of the building.

- The exterior of the property including the existing evergreen shrubs and small chain link fence along the east property line. The rear of the property and approximate location of the new building and three junk cars, courtesy van, enclosed trailer, skid-steer, and snow plows.
- The approximate location of the proposed west property line, approximate setback of the new building and tree marked for possible removal.

Public Hearing: June 13, 2013

The following new information was submitted prior to or during the public hearing:

- Applicant response letter, including sign and fence plan
- Layout Plan, prepared by Berkshire Design Group, revised June 12, 2013
- Grading and Drainage Plan, prepared by Berkshire Design Group, revised June 12, 2013
- Details, prepared by Berkshire Design Group, revised June 12, 2013
- Lighting Plan, prepared by Berkshire Design Group, revised June 12, 2013
- Floor Plans and Elevations, prepared by Morton Buildings, Inc., revised June 12, 2013
- Fire Department review letter, dated June 13, 2013

The applicant, Luke Zbylut, was accompanied by his consultant, Mike Lui of Berkshire Design Group. Mr. Lui described the project in terms of the submitted materials, summarized as follows:

- Construction of a new, approximately 4,600 square foot building to store and display vehicles for sale. The proposed building setback is 12 feet where 25 feet is required in the B-L District. A Special Permit is requested to allow the modification of this setback under footnote "a" of Table 3.
- The building will be a metal frame building and will be similar in style to the existing repair building.
- An area of pea stone will be installed on the east side of the building and the existing evergreen vegetation along the east side will remain. The paved area adjacent to the building would allow areas for vehicle maneuverability in and out of the building as well as create an 18 foot wide area for emergency vehicle access. Three new pole mounted lights would be installed on the east property line.
- Three new parking spaces will be added for customers along with one handicapped space along the east side of the property line.
- The area in front of the existing building will be used for display of up to 14 vehicles for sale.
- The proposal seeks to formalize the signs mounted on the existing building, some of which were added without review by the ZBA after the issuance of the 2005 permit. The buildings on the sign do not exceed the 10% limit and the free standing "Zbylut" sign in the parking lot was approved at a public meeting in 2008 or 2009.
- The driveway entrance along the east side will be widened to accommodate emergency vehicles.
- The applicant purchased the adjacent parcel in 2008 and the lot lines for both properties will be configured to provide the required frontage along Route 9 and will take lot area from the adjacent residential lot and add it to the lot where the repair business is. The lot line configuration would be formalized through the ANR process after approval of the Special Permit. An easement may be required to allow a small portion of the westerly driveway entrance to be on the adjacent property.
- The repair business will not change as part of this proposal and will remain in the existing building. The new building will only be used for storing and displaying vehicles.

- Although approval is required from the Massachusetts Department of Transportation, the applicant proposes to install a new sidewalk immediately adjacent to Route 9. This sidewalk would connect an existing bus stop in front of the residential parcel to the Haskins Meadows apartments to the east.
- Drainage will collect rainwater from the roof and paved areas and will collect at the rear of the property. The drainage was approved by both the Town Engineer and the Conservation Commission.
- The final access for the Fire Department has not been determined. The Fire Department has requested one access way if the building is sprinklered or two access driveways if the building is not sprinklered. The applicant may propose to provide an easement on the adjacent residential parcel to be kept free and clear to allow emergency vehicles, such as a Fire Truck to access the rear of the new building.

The Board discussed parking at length. The Board noted that the plan shows two standard spaces and two handicapped spaces for customers on the east side of the property and an area for 14 vehicles at the front of the property. The Board discussed and determined that the parking space requirements of Section 7.005 pertain to customers and employees, but do not apply to the display vehicles for sale. It was noted that although regulating the number of cars on display is important, the display of vehicles does not constitute parking as defined in the Zoning Bylaw. The Board requested more information about parking, including additional information and clarification regarding the areas within and in front of the proposed new structure.

The Board discussed the exterior storage of items such as the skid-steer, snow plow, parts-cars, courtesy van and enclosed trailer. Mr. Zbylut stated that the snow plows will remain stored behind the existing building and the courtesy van and enclosed trailer would be parked adjacent to the west side of the existing building. He stated that parts-cars would be removed and there would not be any parts-cars parked on the property.

The Board requested additional information from the applicant regarding the following:

- Landscaping plan for the front of the property adjacent to Route 9 and information about the sidewalk.
- Confirmation of access and parking area materials and compliance with Fire Department requirements.
- Information about easements for the access way encroachment and Fire Department access.
- Additional information about the location and design of the screening fence on the west side.
- Clarification of the display and parking arrangements for vehicles for sale, temporarily parked for repairs, including how the spaces will be demarked and the arrangement of display and parking spaces within and in front of the new building.

Ms. Greenbaum MOVED to continue the evidentiary portion of the public hearing to July 11, 2013. Mr. Parent seconded the motion and the Board VOTED unanimously to continue the public hearing.

Public Hearing: July 11, 2013 *(continued from June 13, 2013)*

The following new information was submitted prior to or during the public hearing:

- Layout Plan, prepared by Berkshire Design Group, revised June 28, 2013
- Material Plan, prepared by Berkshire Design Group, revised June 28, 2013
- Grading and Drainage Plan, prepared by Berkshire Design Group, revised June 28, 2013
- Details, prepared by Berkshire Design Group, revised June 28, 2013
- Lighting Plan, prepared by Berkshire Design Group, revised June 28, 2013

The applicant, Luke Zbylut, was accompanied by his consultant, Mike Lui, of the Berkshire Design Group. Mr. Lui described the new changes in terms of the plans, and as described in the July 3, 2013 letter. The changes are summarized as follows:

- An area 18 feet wide, to be paved with bituminous blacktop, will be constructed on both properties to function as a designated fire lane and emergency vehicle access. Additionally, an easement area is shown on the adjacent residential property. Fire lane signs will be added on each property and two steel bollards have been added along the east side of the building to keep cars from parking in this location.
- A gate in the screening fence located on the west property line has been added to aid emergency personnel access to the back of the new building.
- The vehicle areas in the front of the property have been clarified. The plan shows an area for the display of up to nine vehicles for sale. Additionally, an area for the parking of five customer vehicles is to be designated by concrete pavers laid within the pea stone and signs stating "customer parking" on each end. Eight additional spaces have been demarcated along the east side of the new building for use by customers and employees.
- The existing shrubs along the street are proposed to be removed and the area will be replanted with a mix of grasses and shrubs.

The Board discussed the revised display and parking arrangements. The Board determined that display and parking shall be as shown on the revised plans. Specifically, the Board determined that the front of the property will provide nine (9) spaces for display of vehicles for sale and five (5) spaces for the parking of customer vehicles, undergoing repair or otherwise. These five spaces will be demarcated by concrete pavers and signs. Additionally, eight spaces are designated for employees and customers and employees along with three spaces on the east property line.

Mr. Ehrgood MOVED to close the evidentiary portion of the public hearing. Mr. Parent seconded the motion and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The Board determined that, given the history of too many cars being parked in a haphazard manner on the property, a condition of the permit would restrict the overall number of vehicles on the property to 27 vehicles, displayed and parked in accordance with the approved site plan, this number not including vehicles that will be in the new building.

The Board discussed the overall use of the property and determined that this new Special Permit would supersede the 2005 permit.

Specific Findings:

3.01 - The Board finds under Section 3.01 of the Zoning Bylaw that the two uses (Section 3.386, motor vehicle sales and Section 3.385, repair of motor vehicles) are compatible as the repair and sale of vehicles are related and that both uses were allowed in the previous Special Permit.

Table 3, footnote "a" - The Board finds that the proposed 11 foot building setback (where 25 feet is required) is approved as part of this Special Permit. Specifically, as required under Table 3, footnote "a", the Board has reviewed the modified setback in the context of the patterns in the neighborhood and under Section 10.395 and finds the following:

- The proposed 11 foot building setback will provide vehicle maneuvering for customers and emergency vehicles.
- The functional and visual relationship to the street is minimal and a fence is provided to partially screen the building from the adjacent residential parcel.
- The adjacent residential building is non-conforming and is closer to Route 9 than required.
- The surrounding properties contain business and commercial uses including a gas station, car wash, restaurant and apartment buildings. The proposed new building is similar in scale and placement to the surrounding properties and the new building will be located behind the existing building.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.* The proposal to expand the sales portion of the business is suitable and compatible with the purpose of the Limited Business District, defined as follows: *The purpose of the B-L District is to provide areas for moderate density, office, commercial and multifamily developments, located in transitional areas between high density business districts and high density residential districts or in appropriate areas along arterial or primary roads.*

The neighborhood consists of the adjacent residential property, owned by the applicant and used as a rental, an apartment complex (Haskins Meadows) and a restaurant, car wash and gas station across the street. The property is located on Route 9, which is a heavily travelled thoroughfare from Hadley to Amherst. The proposal includes new landscaping and a vehicle display and parking plan that will enhance the visual aesthetics of the property.

10.382, 10.383 & 10.385- *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features;* The Board finds that the proposal complies with these requirements for the following reasons:

- The new building, to be used to display vehicles for sale, will mitigate the negative existing condition of excessive cars being parked and kept haphazardly on the property.
- The improvements to the property include landscaping immediately adjacent to Route 9 which will enhance the visual aesthetics of the streetscape.
- The existing vegetation along the east property line will be maintained to provide a vegetative buffer between the new use and the apartments. A screening fence will be installed on the west side of the property adjacent to the existing residential use.
- The proposal includes the construction of a new sidewalk adjacent to Route 9, which will provide safe pedestrian access to the nearby bus stop.
- All drainage improvements have been reviewed and approved by the Town Engineer and the Conservation Commission.

10.384 - Adequate and appropriate facilities would be provided for the proper operation of the proposed use. The proposal provides for areas for storing and displaying vehicles under repair and/or for sale. Additionally, suitable parking areas are provided for employees and customers. The repairs occur within the existing building and waste oil and other refuse are handled in accordance with the approved Management Plan.

10.386 - The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw. With respect to parking, the Board finds that the proposed parking for employees and customers, as shown on the approved site plan, complies with the provisions of Section 7.005, which requires "adequate parking spaces to accommodate under normal conditions the cars of occupants, employees, members, customers, clients, and visitors to the premises." Specifically, the Board finds that the plan provides for five parking spaces for customers at the front of the property. Additionally, six spaces for customers (inclusive of one van accessible space) and three parking spaces for employees are provided in front of the new building and adjacent to the east property line. Although not considered parking spaces pursuant to the Zoning Bylaw, the proposal provides for designated areas for vehicles for sale. The Board finds that the sign plan shows that all building mounted signs comply with the 10% limitation of Section 8.20.

10.387 & 10.388 - The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw; The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use. The proposal provides for emergency vehicle access via two paved access ways, one located on the subject property and the other provided by easement on the adjacent residential property. The display and parking arrangement for the property provides specified areas for vehicles to be displayed and parked, and therefore provides improved vehicular access within the site. With respect to pedestrians, the proposal provides for a paved area for handicapped accessibility from the parking space to the existing building. Additionally, a new pedestrian sidewalk will be installed in front of the property adjacent to Route 9.

10.389 - The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water. The proposed new building is not proposed to be connected to Town water or sewer. All trash is stored within the existing building and is removed from the site on a regular basis by the owner and used motor oil is picked up regularly.

10.390 & 10.394 - The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances; The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands. The proposal includes a drainage plan which has been reviewed and approved by the Town Engineer and Conservation

10.392 - The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. The proposal provides for a screening fence along the west property line adjacent to the residential use. Additionally, a landscaping plan has been provided for the front of the property and the existing evergreen shrubs along the east property line provide screening to the adjacent apartment buildings.

10.393 - The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. The proposal provides for two new pole mounted lights (reduced from three), which are designed and oriented to be downcast. As shown on the approved lighting plan, no light spillage will occur on either of the adjacent parcels.

10.395 - The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. See the findings under Table 3, footnote "a".

10.398 - The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal to expand the existing uses is in harmony with the purpose of the Bylaw for the reasons stated above and the Master Plan as it provides for the expansion of an existing business.

Public Meeting – Zoning Board Decision

Ms. Greenbaum MOVED to approve the application with conditions. Mr. Parent seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2013-00025, to modify conditions of ZBA FY2005-00026 to allow the alteration and expansion of the existing auto sales and repair business by reconfiguring the existing lot lines and parking area and the construction of a new approximately 4,600 square foot building and for a Special Permit to allow the building 11 feet from the side yard rather than the required 25 feet, under Section 10.33, Table 3 footnote a, 3.385 and 3.386 of the Zoning Bylaw, at 398 Northampton Road (Map 13D, Parcel 4 and 48, B-L Zoning District) with conditions.


HILDA GREENBAUM


TOM EHRCOOD


MARK PARENT

FILED THIS 12th day of August, 2013 at 2:45 p.m.,
in the office of the Amherst Town Clerk Kusan Audette, Asst.
TWENTY-DAY APPEAL period expires, September 1, 2013.
NOTICE OF DECISION mailed this 13th day of August, 2013
to the attached list of addresses by Jeffrey R. Bagg, for the Board.
COPY OF NO APPEAL issued this day of , 2013.
NOTICE OF PERMIT or Variance filed this day of , 2013,
in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Luke Zbylut d/b/a Zbylut Motor Works

For A Special Permit to modify conditions of ZBA FY2005-00026 to allow the alteration and expansion of the existing auto sales and repair business by reconfiguring the existing lot lines and parking area and the construction of a new approximately 4,600 square foot building and for a Special Permit to allow the building 12 feet from the side yard rather than the required 25 feet, under Section 10.33, Table 3 footnote a, 3.385 and 3.386 of the Zoning Bylaw

On the premises of 398 Northampton Road
At or on (Map 13D, Parcel 4 and 48, B-L Zoning District)

NOTICE of hearing as follows mailed (date) May 28, 2013
to attached list of addresses and published in the Daily Hampshire Gazette
dated April 29, 2013 and June 5, 2013

Hearing date and place June 13 and July 11, 2013 (Town Hall)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on *Thursday, June 13, 2013*, at 6:30 P.M. in the TOWN ROOM, Town Hall, to conduct the following business:
PUBLIC HEARING:
ZBA FY2013-00025 - Zbylut Motor Works - For a Special Permit to modify conditions of ZBA FY2005-00026 to allow the alteration and expansion of the existing auto sales and repair business by reconfiguring the existing lot lines and parking area and the construction of a new approximately 4,600 square foot building and for a Special Permit to allow the building 12 feet from the side yard rather than the required 25 feet, under Section 10.33, Table 3 footnote a, 3.385 and 3.386 of the Zoning Bylaw, at 398 Northampton Road (Map 13D, Parcel 4 and 48, B-L Zoning District)
ZBA FY2013-00026 - Valerie Hetzel - For a Special Permit to convert an existing detached garage into a residential unit, as a Converted Dwelling, and for a Special Permit for 4 to 6 boarders, under Section 9.3241 and 5.0101 of the Zoning Bylaw, at 16 Adams Street (Map 15D, Parcel 22, R-N Zoning District)
**ERIC BEAL, CHAIR
AMHERST ZONING
BOARD OF APPEALS
May 29, June 5**
9259490

SITTING BOARD and VOTE TAKEN:

A Special Permit to modify conditions of ZBA FY2005-00026 to allow the alteration and expansion of the existing auto sales and repair business by reconfiguring the existing lot lines and parking area and the construction of a new approximately 4,600 square foot building and for a Special Permit to allow the building 12 feet from the side yard rather than the required 25 feet, under Section 10.33, Table 3 footnote a, 3.385 and 3.386 of the Zoning Bylaw

Hilda Greenbaum -- Yes Tom Ehrgood -- Yes Mark Parent - Yes

DECISION: APPROVED with conditions as stated in permit

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted
To Luke Zbylut d/b/a Zbylut Motor Works
Address 398 Northampton Road
City or Town Amherst, MA 01002

Identify Land Affected: 398 Northampton Road and 406 Northampton Road
(Map 13D, Parcels 4 and 48, and Map 13D, Parcel 47, B-L
Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

398 Northampton Road Amherst
Street City or Town

The record of title standing in the name of
Zbylut Realty, LLC
Name of Owner

Whose address is 398 Northampton Road Amherst MA 01002
Street City or Town State Zip Code


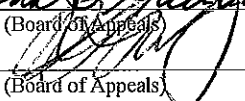
By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 10566 Page 210
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2013-00025
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

 Chairman
(Board of Appeals)
 Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____

Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

<u>Parcel ID</u>	<u>Parcel Address</u>	<u>Owner1</u>	<u>Owner2</u>	<u>Address</u>	<u>CityStZip</u>
13D-76	GREENLEAVES DR	AMHAD DEVELOPMENT CORP		32 GREENLEAVES DR	HADLEY, MA 01035
13D-77	GREENLEAVES DR	AMHAD DEVELOPMENT CORP		32 GREENLEAVES DR	HADLEY, MA 01035
13D-78	GREENLEAVES DR	AMHAD DEVELOPMENT CORP		32 GREENLEAVES DR	HADLEY, MA 01035
13D-5	351 NORTHAMPTON RD	CHOU, TSAI CHIAO & WU, EVA TRUSTEES		351 NORTHAMPTON RD	AMHERST, MA 01002
13D-18	352-394 NORTHAMPTON RD	AMHERST ASSOCIATES LLC	ACCOUNTING	342 NO MAIN ST	WEST HARTFORD, CT 06117
13D-3	373 NORTHAMPTON RD	F L ROBERTS AND COMPANY INCORPORATED		PO BOX 1964	SPRINGFIELD, MA 01102-1964
13D-2	397 NORTHAMPTON RD	F L ROBERTS & COMPANY INC		PO BOX 1964	SPRINGFIELD, MA 01102-1964
13D-48	398 NORTHAMPTON RD	ZBYLUT REALTY, LLC		398 NORTHAMPTON RD	AMHERST, MA 01002
13D-47	408 NORTHAMPTON RD	ZBYLUT REALTY, LLC		398 NORTHAMPTON RD	AMHERST, MA 01002
13D-51	408 NORTHAMPTON RD	PERKINS, ROBERTA	FRENCH, GALE H	% AMHERST MOTEL, 408 NTON RD	AMHERST, MA 01002